

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Birgit Oppmann, *et al.*

Application No.: 10/778,002

Filed: February 11, 2004

For: MAMMALIAN CYTOKINES;
RELATED REAGENTS AND
METHODS

Examiner: R. C. Hayes

Art Unit: 1649

Conf. No.: 3603

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement dated October 6, 2006. Accompanying this response is a Petition for a one-month Extension of Time, thereby extending the time to respond from November 6, 2006 to December 6, 2006.

I. Restriction Requirement

The Examiner restricted the application into 12 separate inventions:

- I. Claims 1, 2, and 4, drawn to a complex of rodent IL-B60 and CLF-1 polypeptides, classified in class 530, subclass 350.
- II. Claims 1, 2, and 4, drawn to a complex of rodent IL-B60 and CNTF-R polypeptides, classified in class 530, subclass 350.
- III. Claims 1, 2, and 4 drawn to a complex of human/primate IL-B60 and CLF-1 polypeptides, classified in class 530, subclass 350.
- IV. Claims 1, 2, and 4, drawn to a complex of human/primate IL-B60 and CNTF-R polypeptides, classified in class 530, subclass 350.
- V. Claims 1-9, drawn to a complex of human/primate IL-B60, CLF-1 and CNTF-R polypeptides, classified in class 530, subclass 350.

- VI. Claims 1, 2, 5, 6, 8, and 9, drawn to a complex of rodent IL-B60, CLF-1 and human/primate CNTF-R polypeptides, classified in class 530, subclass 350.
- VII. Claims 10-14, drawn to methods of making an antibody that recognizes a complex of human/primate IL-B60 and CLF-1 polypeptides, classified in class 530, subclass 350.
- VIII. Claims 15 and 16, drawn to methods of producing an antibody/antigen complex comprising human IL-B60, CLF-1 and CNTF-R
- IX. Claims 17, 22-25, 27, and 28, drawn to nucleic acids encoding a complex of rodent IL-B60, CLF-1 and human/primate CNTF-R polypeptides, vector, host cells, and methods of making the polypeptide components recombinantly, classified in class 435, subclass 69.1.
- X. Claims 17, 22-25, 27, and 28, drawn to nucleic acids encoding a complex of rodent IL-B60, CLF-1 and human/primate CNTF-R polypeptides, vector, host cells, and methods of making the polypeptide components recombinantly, classified in class 435, subclass 69.1.
- XI. Claim 26, drawn to a method of modulating physiology or development of a cell comprising contacting said cell with an agonist or antagonist of a complex comprising IL-B60 and CLF-1, or IL-B60 and CNTF-R, classified in class 514, subclass 2.
- XII. Claims 29 and 30, drawn to a method of screening for a receptor that binds a complex of IL-B60 and CLF-1, or IL-B60 and CNTF-R, classified in class 435, subclass 7.21.

Applicants provisionally elect Group III, with traverse, which encompasses Claims 1, 2, and 4, drawn to a complex of human/primate IL-B60 and CLF-1 polypeptides, classified in class 530, subclass 350, as discussed in the present Restriction Requirement. Applicants respectfully traverse this requirement and request that Groups I and III be rejoined. Group I encompasses parts of Claims 1, 2, and 4 pertaining to the rodent protein complex, while as noted above, Group III encompasses the primate counterpart protein. As evidenced by Tables 2 and 4, the subunits of this protein complex share significant amino acid identity, and therefore should not be a burden to search. Applicants respectfully request that the Examiner reconsider this restriction and rejoin these groups.

Applicants also intend to file a preliminary amendment shortly to simplify the current claims and assist the Examiners examination.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Applicant believes that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to charge any additional fees associated with this communication or during the pendency of this application, or credit any overpayment to DNAX Research Institute Deposit Account No. 04-1239.

Respectfully submitted,

Date: 08-Nov-2006

By:



Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

Customer No. 028008

DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone (Switchboard): (650) 496-6400
Telephone No. (Direct): (650) 496-1244
Facsimile No.: (650) 496-1200